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WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

ACCIDENT INS. CO., INC.

CIVIL ACTION NO. 13-0387

VERSUS

JUDGE DOHERTY

BENJAMIN B. BLANCHET, ET AL.

MAGISTRATE JUDGE HANNA

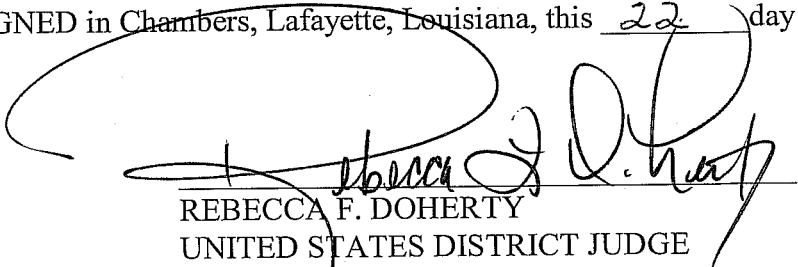
ORDER

For the reasons stated in the Memorandum Ruling dated July 22, 2013,

IT IS ORDERED that the “Motion to Dismiss or Alternatively, Motion to Stay Action” [Doc. 14] is GRANTED IN PART AND DENIED IN PART. That portion of the motion seeking to dismiss the claims of AIC for failure to state a claim under the Declaratory Judgment Act is DENIED for the reasons stated in the Ruling. Defendants’ alternative request for relief – that the instant action be stayed pending a final judgment in the underlying state lawsuit in accordance with the standards enunciated in *Wilton* and *Brillhart*, *infra*. – is DENIED AS MOOT, this Court concluding in its discretion that the instant case should be DISMISSED WITHOUT PREJUDICE for the reasons stated herein and for the reasons stated in the magistrate judge’s Report and Recommendation. Thus, to the extent that this Court is granting the instant motion to dismiss -- albeit *sua sponte* under the *Wilton/Brillhart* doctrine – the motion to dismiss is GRANTED IN PART.

IT IS FURTHER ORDERED the parties shall submit a proposed judgment, approved as to form, within ten (10) days of the date of this Ruling.

THUS DONE AND SIGNED in Chambers, Lafayette, Louisiana, this 22 day of July, 2013.


REBECCA F. DOHERTY
UNITED STATES DISTRICT JUDGE